



Atty. Dkt. No. 058951-0167

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Caius Rommens et al.  
Title: PRECISE BREEDING  
Appl. No.: 10/607,538  
Filing Date: 6/27/2003  
Examiner: David T. Fox  
Art Unit: 1638  
Confirmation Number: 5766

**CERTIFICATE OF EXPRESS MAILING**  
I hereby certify that this correspondence is being deposited with the United States Postal Service's "Express Mail Post Office To Addressee" service under 37 C.F.R. § 1.10 on the date indicated below and is addressed to:  
Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

EL 96242416805

(Express Mail Label Number)

(Date of Deposit)

Charles J. Schreck

(Printed Name)

Charles J. Schreck

(Signature)

**TERMINAL DISCLAIMER**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Your Petitioner, J.R. Simplot Company, having its principal place of business at One Capital Center, 999 Main Street, Suite 1300, P.O. Box 27, Boise, Idaho 83702, represent that they are the owners of the entire right, title, and interest in and to U.S. Patent Application Serial No. 10/607,538, filed 6/27/2003, which is a continuation of U.S. Patent Application No. 10/369,324, filed 2/20/2003, by virtue of an Assignment filed and recorded on 03/02/2005, on Reel/Frame 014859/0887, in the United States Patent and Trademark Office, a copy of which is attached hereto as APPENDIX A. Further, your Petitioners represent that they are the owners of U.S. Patent Application No. 10/505,079, filed 03/07/2005, by virtue of an Assignment filed and recorded on 03/02/2005, on Reel/Frame 015718/0484, in the United States Patent and Trademark Office, a copy of which is attached hereto as APPENDIX B.

Your Petitioner, J.R. Simplot Company, hereby disclaims the terminal part of the term of any patent granted on U.S. Patent Application 10/607,538 which would extend

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beyond the full statutory term, as shortened by any terminal disclaimer, of any patent granted on U.S. Patent Application 10/505,079, and hereby agree that any patent so granted on U.S. Patent Application 10/607,538 shall be enforceable only for and during such period that the legal title to any patent granted on U.S. Patent Application 10/505,079 shall be the same as the legal title to any patent granted on U.S. Patent Application 10/607,538, this agreement to run with any patent granted on U.S. Patent Application 10/607,538 and to be binding upon the grantee, its successors or assigns.

In making the above disclaimer, Petitioner does not disclaim any terminal part of any patent granted on U.S. Patent Application 10/607,538, prior to the full statutory term of any patent granted on U.S. Patent Application 10/505,079 as defined in 35 U.S.C. §§154-156 and 173, in the event that any patent granted on U.S. Patent Application 10/505,079 expires for failure to pay a maintenance fee, is held unenforceable or is found invalid in a final judgment by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR §1.321(a), has all claims canceled by a reexamination certificate or as a result of an interference proceeding, or is otherwise not deemed to provide the rights conveyed by 35 USC §154, prior to the full statutory term of any patent granted on U.S. Patent Application 10/505,079 as defined in 35 USC §§154-156 and 173, except for the separation of legal title stated above. Further, Petitioner does not disclaim any terminal part of a patent granted on U.S. Patent Application 10/607,538 that would extend beyond the present termination of any patent granted on U.S. Patent Application 10/505,079, in the event that such present term is extended by virtue of compliance with the conditions for term extension of any present or future patent term extension provisions of the patent law, including but not limited to 35 U.S.C. §§155, 155A or 156, and without waiving Petitioner's right to extend the term of a patent granted on U.S. Patent Application 10/607,538 to the extent provided by law.

The undersigned, being the Attorney of Record for U.S. Patent Application 10/607,538, and duly authorized to act on behalf of Petitioner, certifies that he has reviewed the Assignments attached as APPENDICES A and B, and to the best of his knowledge and belief, legal title to U.S. Patent Application 10/607,538 and any patent granted on U.S. Patent Application 10/505,079 rests with Petitioner, J.R. Simplot Company. The undersigned

declares that all statements made herein of his own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001, Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the above-identified application or any patent issuing therefrom.

Respectfully submitted,

Date August 23, 2006

FOLEY & LARDNER LLP  
3000 K Street NW  
Suite 500  
Washington, D.C. 20007  
Telephone: (202) 672-5483  
Facsimile: (202) 672-5399

By V.S. Peet

Richard C. Peet, Reg. No. 35,792  
Vid Mohan-Ram, Reg. No. 55,459



CORRECTED  
NOTICE

UNITED STATES PATENT AND TRADEMARK OFFICE

UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY AND  
DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE

OCTOBER 18, 2004

PTAS

FOLEY & LARDNER  
RICHARD C. PEET  
3000 K STREET, N.W., SUITE 500  
WASHINGTON, DC 20007-5143

UNITED STATES PATENT AND TRADEMARK OFFICE  
NOTICE OF RECORDATION OF ASSIGNMENT DOCUMENT

THE ENCLOSED DOCUMENT HAS BEEN RECORDED BY THE ASSIGNMENT DIVISION OF THE U.S. PATENT AND TRADEMARK OFFICE. A COMPLETE MICROFILM COPY IS AVAILABLE AT THE ASSIGNMENT SEARCH ROOM ON THE REEL AND FRAME NUMBER REFERENCED BELOW.

PLEASE REVIEW ALL INFORMATION CONTAINED ON THIS NOTICE. THE INFORMATION CONTAINED ON THIS RECORDATION NOTICE REFLECTS THE DATA PRESENT IN THE PATENT AND TRADEMARK ASSIGNMENT SYSTEM. IF YOU SHOULD FIND ANY ERRORS OR HAVE QUESTIONS CONCERNING THIS NOTICE, YOU MAY CONTACT THE EMPLOYEE WHOSE NAME APPEARS ON THIS NOTICE AT 703-308-9723. PLEASE SEND REQUEST FOR CORRECTION TO: U.S. PATENT AND TRADEMARK OFFICE, ASSIGNMENT DIVISION, BOX ASSIGNMENTS, CG-4, 1213 JEFFERSON DAVIS HWY, SUITE 320, WASHINGTON, D.C. 20231.

RECORDATION DATE: 01/12/2004

REEL/FRAME: 014859/0887  
NUMBER OF PAGES: 5

BRIEF: ASSIGNMENT OF ASSIGNOR'S INTEREST (SEE DOCUMENT FOR DETAILS).

ASSIGNOR:  
ROMMENS, CAIUS

DOC DATE: 01/06/2004

ASSIGNOR:  
YE, JINGSONG

DOC DATE: 01/06/2004

ASSIGNOR:  
MENENDEZ-HUMARA, JAIME

DOC DATE: 01/06/2004

ASSIGNOR:  
YAN, HUA

DOC DATE: 01/06/2004

ASSIGNOR:  
SWORDS, KATHY

DOC DATE: 01/06/2004

Best Available Copy

ASSIGNEE:

J.R. SIMPLOT COMPANY  
ONE CAPITAL CENTER  
999 MAIN STREET, SUITE 1200, P. O.  
BOX 27  
BOISE, IDAHO 83702

SERIAL NUMBER: 10607538  
PATENT NUMBER:  
TITLE: PRECISE BREEDING

FILING DATE: 06/27/2003  
ISSUE DATE:

DIANE RUSSELE, PARALEGAL  
ASSIGNMENT DIVISION  
OFFICE OF PUBLIC RECORDS

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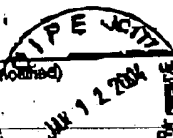
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PAGE 003/012

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Atty. Dkt. No. 058951-0187

FORM PTO-1505 (Revised)  
(Rev. 8-03)

01-15-2004

SHEET

U.S. DEPARTMENT OF COMMERCE  
Patent and Trademark Office

102647258

Attached original documents or copies thereof.

To the Director of the United States Patent

1. Name of conveying party(ies):

Calus ROMMENS  
Jingcong YE  
Jaime MENENDEZ-HUMARA  
Hua YAN  
Kathy SWORDS

1-12-04

2. Name and address of receiving party(ies):

J.R. Simplot Company  
One Capital Center  
999 Main Street  
Suite 1300  
P.O. Box 27  
Boise, Idaho 83702

Additional conveying party(ies)

NO

3. Nature of conveyance:

ASSIGNMENT

Execution Date:

January 6, 2004

Additional name(s) &amp; address(es) attached?

NO

4. Application number(s) or patent number(s):

If this is being filed together with a new application, the execution date of the application is:

A. Patent Application Number(s):

10/607,538

B. Patent Number(s):

Additional numbers attached? NO

5. Name and address of party to whom correspondence concerning document should be mailed:

Richard C. Peet  
FOLEY & LARDNER  
Washington Harbour  
3000 K Street, N.W., Suite 500  
Washington, D.C. 20007-5143

6. Total number of applications/patents involved: 1

7. Total fee (37 C.F.R. § 3.41): \$40.00

☒ Check Enclosed

Charge to deposit account

B. Deposit account number: 19-0741

DO NOT USE THIS SPACE

9. Statement and signature:

To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document. The Commissioner is hereby authorized to charge any additional recordation fees which may be required in this matter to the above-identified deposit account.

Richard C. Peet

Name of person signing

Signature

Date

Total number of pages including cover sheet, attachments, and document 5

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Atty. Dkt. No. 058951-0167

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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

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Applicants: Caius ROMMENS et al.

Title: PRECISE BREEDING

Appl. No.: 10/607,538

Filing Date: June 27, 2003

Examiner: Not yet assigned

Art Unit: 1638

**REQUEST FOR CORRECTION OF RECORDED ASSIGNMENT****MAIL STOP - ASSIGNMENT RECORDATION SERVICES**

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

Attached is a copy of the NOTICE OF RECORDATION OF ASSIGNMENT DOCUMENT dated July 16, 2004, received from the U.S. Patent and Trademark Office in connection with the above-referenced application. Also, attached is a copy of Form PTO 1595 indicating payment of the required Assignment recordation fee and a copy of the original Assignment recorded on January 12, 2004, at Reel 014859, Frame 0887.

There is an error in the listing of 1) the 5<sup>th</sup> Assignor's information, and 2) the Assignee's information on the Notice of Recordation of Assignment Document. Kindly make the following corrections:

1) **ASSIGNOR:**

Please delete [SWARDS] and insert SWORDS. The corrected 5<sup>th</sup> Assignor's information should read:

**SWORDS, KATHY****DOC DATE: 01/06/2004**

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PAGE 009/012

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Request for Corrected Recordation of Assignment  
U.S. Appl. No.: 10/607,538

Atty. Dkt. No. 058951-0167

## 2) ASSIGNEE:

The Assignee's mailing address is incomplete. Please correct the Assignee's mailing address to read:

**J.R. SIMPLOT COMPANY**  
**ONE CAPITAL CENTER**  
**999 MAIN STREET**  
**SUITE 1300**  
**P.O. BOX 27**  
**BOISE, IDAHO 83702**

Verification for the requested corrections is in the PTO Form 1595 and the original Assignment, both filed January 12, 2004.

Applicants respectfully request correction of the above-noted errors and that a revised copy of the Notice of Recordation of Assignment Document be forwarded to the undersigned attorney of record.

No fee is due since the requested correction is not due to any error by Applicants.

Respectfully submitted,

Date

August 25, 2004

By

Richard C. Peet

FOLEY & LARDNER LLP  
Customer Number: 22428  
Telephone: (202) 672-5483  
Facsimile: (202) 672-5399

Richard C. Peet  
Attorney for Applicant  
Registration No. 35,792

-2-

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**FOLEY**FOLEY & LARDNER LLP  
ATTORNEYS AT LAWWASHINGTON HARBOUR  
3000 K STREET, N.W., SUITE 500  
WASHINGTON, D.C. 20007-5143  
TELEPHONE: 202.672.5300  
FACSIMILE: 202.672.5399  
WWW.FOLEY.COM

## FACSIMILE TRANSMISSION

Total # of Pages : 12 (including this page)

TO:	PHONE #:	FAX #:
Rhonda Nicol, Assignment Division, USPTO	703-308-9723	703-308-7124

From : Nicole A. Nowak for Richard C. Peet

Date : October 6, 2004

Client/Matter No : 058951-0167

User ID No : 4396

## MESSAGE:

Applicants: Caius ROMMENS et al.

Title: PRECISE BREEDING

Appl. No.: 10/607,538

Examiner: Not assigned yet

Filing Date: 06/27/2003

Art Unit: 1638

This communication is responsive to the Notice of Non-Recordation of Document dated September 7, 2004, Document ID No. 700109695 (a copy is attached (1pg.)). The Notice states that non-recordation of the Assignment occurred because the document is a public correction and should be resubmitted to the above-identified fax number.

Accordingly, attached is a copy of our August 25, 2004 correspondence: fax coversheet (1pg.), Request for Correction of Recorded Assignment (2pgs.) a marked-up copy of the Notice of Recordation of Assignment dated July 16, 2004 (2pgs.), a copy of the January 12, 2004 filing (PTO Form 1595 (1pg) and Assignment (4 pgs)).

The error on the attached Notice of Recordation of Assignment Document is caused by PTO error; therefore, no fee is required nor is a new coversheet. Therefore, Applicants respectfully request that a Corrected Notice of Recordation of Assignment Document be issued as soon as possible, and that the PTO record the Assignment with the original date of filing.

## CERTIFICATION

I hereby certify that the above-listed documents are transmitted by facsimile to the U.S. Patent and Trademark Office on the date shown below. 10-6-04 Nicole A. Nowak

Date

Nicole A. Nowak

If there are any problems with this transmission or if you have not received all of the pages, please call .

Operator:	Time Sent:	Return Original To: Nicole A. Nowak
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CONFIDENTIALITY NOTICE: THE INFORMATION CONTAINED IN THIS FACSIMILE MESSAGE IS INTENDED ONLY FOR THE PERSONAL AND CONFIDENTIAL USE OF THE DESIGNATED RECIPIENTS NAMED ABOVE. THIS MESSAGE MAY BE AN ATTORNEY-CLIENT COMMUNICATION, AND AS SUCH IS PRIVILEGED AND CONFIDENTIAL. IF THE READER OF THIS MESSAGE IS NOT THE INTENDED RECIPIENT OR ANY AGENT RESPONSIBLE FOR DELIVERING IT TO THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT YOU HAVE RECEIVED THIS DOCUMENT IN ERROR, AND THAT ANY REVIEW, DISSEMINATION, DISTRIBUTION OR COPYING OF THIS MESSAGE IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE NOTIFY US IMMEDIATELY BY TELEPHONE AND RETURN THE ORIGINAL MESSAGE TO US BY MAIL. THANK YOU.

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PAGE 002/012

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UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office  
ASSISTANT SECRETARY AND COMMISSIONER  
OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231



SEPTEMBER 07, 2004

PTAS

\*700109695\*

TOLEY & LARDNER  
RICHARD C. PEET  
3000 K STREET, N.W., SUITE 500  
WASHINGTON HARBOUR  
WASHINGTON, D.C. 20007-5143

UNITED STATES PATENT AND TRADEMARK OFFICE  
NOTICE OF NON-RECORDATION OF DOCUMENT

DOCUMENT ID NO.: 700109695

THE ENCLOSED DOCUMENT HAS BEEN EXAMINED AND FOUND NON-RECORDABLE BY THE ASSIGNMENT DIVISION OF THE U.S. PATENT AND TRADEMARK OFFICE. THE REASON(S) FOR NON-RECORDATION ARE STATED BELOW. DOCUMENTS BEING RESUBMITTED FOR RECORDATION MUST BE ACCOMPANIED BY A NEW COVER SHEET REFLECTING THE CORRECT INFORMATION TO BE RECORDED AND THE DOCUMENT ID NUMBER REFERENCED ABOVE.

THE ORIGINAL DATE OF FILING OF THIS ASSIGNMENT DOCUMENT WILL BE MAINTAINED IF RESUBMITTED WITH THE APPROPRIATE CORRECTION(S) WITHIN 30 DAYS FROM THE DATE OF THIS NOTICE AS OUTLINED UNDER 37 CFR 3.51. THE RESUBMITTED DOCUMENT MUST INCLUDE A STAMP WITH THE OFFICIAL DATE OF RECEIPT UNDER 37 CFR 3. APPLICANTS MAY USE THE CERTIFIED PROCEDURES UNDER 37 CFR 1.8 OR 1.10 FOR RESUBMISSION OF THE RETURNED PAPERS, IF THEY DESIRE TO HAVE THE BENEFIT OF THE DATE OF DEPOSIT IN THE UNITED STATES POSTAL SERVICE.

SEND DOCUMENTS TO: U.S. PATENT AND TRADEMARK OFFICE, ASSIGNMENT DIVISION, BOX ASSIGNMENTS, CG-4, 1213 JEFFERSON DAVIS HWY, SUITE 320, WASHINGTON, D.C. 20231. IF YOU HAVE ANY QUESTIONS REGARDING THIS NOTICE, YOU MAY CONTACT THE INDIVIDUAL WHOSE NAME APPEARS ON THIS NOTICE AT 703-308-9723.

1. THIS IS AN PUBLIC CORRECTION A PTO ERROR PLEASE FAX IT TO THIS NUMBER 703 308-7124.

SHAREILL COLES, EXAMINER  
ASSIGNMENT DIVISION  
OFFICE OF PUBLIC RECORDS

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PAGE 010/012

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**FOLEY**

FOLEY & LARDNER LLP  
ATTORNEYS AT LAW  
WASHINGTON HARBOUR  
3000 K STREET, N.W., SUITE 800  
WASHINGTON, D.C. 20007-8143  
TELEPHONE: 202.672.3300  
FACSIMILE: 202.672.6398  
WWW.FOLEY.COM

## FACSIMILE TRANSMISSION

Total # of Pages : 10 (including this page)

TO:	PHONE #:	FAX #:
Commissioner for Patents Mail Stop Assignment Recordation Services	703-308-9723	703-306-5995

From : Nicole A. Nowak for  
Richard C. Peet

Date : August 25, 2004

Client/Matter No : 058951-0167

User ID No : 4396

## MESSAGE:

Applicants: Caius ROMMENS et al.  
Title: PRECISE BREEDING  
Appl. No.: 10/607,528 Examiner: Not assigned yet  
Filing Date: 06/27/2003 Art Unit: 1638

Attached please find Applicants' Request for Correction of Recorded Assignment (2 pgs.), together with a marked-up copy of the Notice of Recordation of Assignment dated July 16, 2004. Also, attached is a copy of the January 12, 2004 filing (PTO Form 1595 (1pg) and Assignment (4 pgs)).

The errors on the attached Notice of Recordation of Assignment Document are caused by PTO error; therefore, no fee is required. Issuance of a Corrected Notice of Recordation of Assignment is respectfully requested.

## CERTIFICATION

I hereby certify that the above-listed documents are transmitted by facsimile to the U.S. Patent and Trademark Office on the date shown below.

8-25-04

Date

Nicole A. Nowak

Nicole A. Nowak

If there are any problems with this transmission or if you have not received all of the pages, please call .

Operator:	Time Sent:	Return Original To: Nicole A. Nowak
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CONFIDENTIALITY NOTICE: THE INFORMATION CONTAINED IN THIS FACSIMILE MESSAGE IS INTENDED ONLY FOR THE PERSONAL AND CONFIDENTIAL USE OF THE DESIGNATED RECIPIENTS NAMED ABOVE. THIS MESSAGE MAY BE AN ATTORNEY-CLIENT COMMUNICATION, AND AS SUCH IS PRIVILEGED AND CONFIDENTIAL. IF THE READER OF THIS MESSAGE IS NOT THE INTENDED RECIPIENT OR ANY AGENT RESPONSIBLE FOR DELIVERING IT TO THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT YOU HAVE RECEIVED THIS DOCUMENT IN ERROR, AND THAT ANY REVIEW, DISSEMINATION, DISTRIBUTION OR COPYING OF THIS MESSAGE IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE NOTIFY US IMMEDIATELY BY TELEPHONE AND RETURN THE ORIGINAL MESSAGE TO US BY MAIL. THANK YOU.

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Cover Page 1 of 2

FOLEY &amp; LARDNER LLP

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PAGE 004/012

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Atty. Dkt. No. 058951-0167

**ASSIGNMENT AND AGREEMENT**

**WHEREAS**, Caius ROMMENS of 3395 E. Windsong Drive, Boise, Idaho 83712; Jingsong YE of 8102 S. Settlement, Boise, Idaho 83716; Jaime MENENDEZ-HUMARA of 1668 S. Riverstone Lane, Apt. 201, Boise, Idaho 83796; Hua YAN of 6102 S. Settlement, Boise, Idaho 83718 and Kathy SWORDS of 3395 E. Windsong Drive, Boise, Idaho 83712; (hereinafter referred to singly and collectively as "ASSIGNOR") have invented a certain invention entitled **PRECISE BREEDING** (Atty. Dkt. No. 058951-0167) for which an application for United States Letters Patent was filed on June 27, 2003 as Application No. Unknown; and

**WHEREAS**, J.R. Simplot Company, a corporation duly organized and existing under the laws of the State of Nevada, and having its principal place of business at One Capital Center, 999 Main Street, Suite 1300, P.O. Box 27, Boise, Idaho 83702 (hereinafter referred to as "ASSIGNEE") is desirous of acquiring the entire interest therein;

**NOW THEREFORE**, in consideration of One Dollar (\$1.00) and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, ASSIGNOR has sold, assigned, and transferred, and by these presents hereby sells, assigns, and transfers, unto ASSIGNEE, its successors and assigns, the full and exclusive right, title, and interest in and to (a) the above-identified invention or inventions and all improvements and modifications thereof, (b) the above-identified application and all other applications for Letters Patent of the United States and countries foreign thereto for the above-identified invention or inventions and all improvements and modifications thereof, (c) all Letters Patent which may issue from said applications in the United States and countries foreign thereto, (d) all divisions, continuations, reissues, and extensions of said applications and Letters Patent, and (e) the right to claim for any of said applications the full benefits and priority rights under the International Convention and any other International agreement to which the United States adheres; such right, title, and interest to be held and enjoyed by ASSIGNEE, its successors and assigns, to the full end of the term or terms for which any and all such Letters Patent may be granted as fully and entirely as would have been held and enjoyed by ASSIGNOR had this Assignment not been made.

**ASSIGNOR HEREBY AUTHORIZES AND REQUESTS** the Commissioner of Patents and Trademarks to issue said Letters Patent to ASSIGNEE as assignee of the entire interest, for the sole use and benefit of ASSIGNEE, its successors and assigns.

**ASSIGNOR HEREBY AGREES** (a) to communicate to ASSIGNEE, its successors and assigns, or their representatives or agents, all facts and information known or available to ASSIGNOR respecting said invention or inventions, improvements, and modifications including evidence for interference, reexamination, reissue, opposition, revocation, extension, or infringement purposes or other legal, judicial, or administrative proceedings, whenever requested by ASSIGNEE; (b) to testify in person or by affidavit as required by ASSIGNEE, its successors and assigns, in any such proceeding in the United States or a country foreign thereto; (c) to execute and deliver, upon request by ASSIGNEE, all lawful papers including, but not limited to, original, divisional, continuation, and reissue applications, renewals, assignments, powers of

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PAGE 005/012

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Atty. Dkt. No. 058951-0187

attorney, oaths, affidavits, declarations, depositions; and (d) to provide all reasonable assistance to ASSIGNEE, its successors and assigns, in obtaining and enforcing proper title in and protection for said invention or inventions, improvements, and modifications under the intellectual property laws of the United States and countries foreign thereto.

**ASSIGNOR HEREBY REPRESENTS AND WARRANTS** that ASSIGNOR has the full and unencumbered right to sell, assign, and transfer the interests sold, assigned, and transferred herein, and that ASSIGNOR has not executed and will not execute any document or instrument in conflict herewith.

**ASSIGNOR HEREBY GRANTS** to the law firm of Foley & Lardner the power and authority to insert in this Assignment any further identification which may be necessary or desirable to comply with the rules of the U.S. Patent and Trademark Office for recordation of this Assignment.

**ASSIGNOR UNDERSTANDS AND AGREES** that the attorneys and agents of the law firm of Foley & Lardner do not personally represent ASSIGNOR or ASSIGNOR's legal interests, but instead represent the interests of ASSIGNEE; since said attorneys and agents cannot provide legal advice to ASSIGNOR with respect to this Assignment, ASSIGNOR acknowledges its right to seek its own independent legal counsel.


Executed this 6th day of January, 2004.

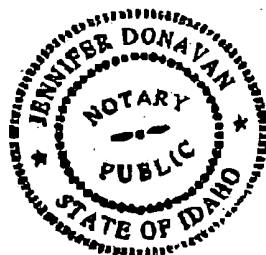


CAIUS ROMMENS

State of Idaho  
County of Ada

On this 6th day of January, 2004, before me, a notary public in and for said county, appeared CAIUS ROMMENS, who is personally known to me to be the same person whose name is subscribed to the foregoing instrument, and he/she acknowledged that he/she signed, sealed, and delivered the said instrument as his/her free and voluntary act for the uses and purposes therein set forth.

  
Notary Public  
My Commission Expires: 5/31/08



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PAGE 008/012

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Atty. Dkt. No. 058951-0167

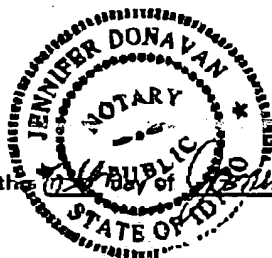
Executed this 6th day of January, 2004.Jingsong Ye

JINGSONG YE

State of Idaho  
County of Ada

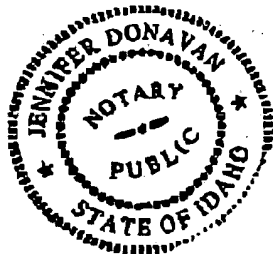
On this 6th day of January, 2004, before me, a notary public in and for said county, appeared JINGSONG YE, who is personally known to me to be the same person whose name is subscribed to the foregoing instrument, and he/she acknowledged that he/she signed, sealed, and delivered the said instrument as his/her free and voluntary act for the uses and purposes therein set forth.

(Seal)

Jennifer Donovan  
Notary Public  
My Commission Expires: 5/31/08Executed this 02nd day of January, 2004.State of Idaho  
County of Ada

On this 6th day of January, 2004, before me, a notary public in and for said county, appeared JAIME MENENDEZ-HUMARA, who is personally known to me to be the same person whose name is subscribed to the foregoing instrument, and he/she acknowledged that he/she signed, sealed, and delivered the said instrument as his/her free and voluntary act for the uses and purposes therein set forth.

(Seal)

Jaime Menendez-Humara  
JAIME MENENDEZ-HUMARAJennifer Donovan  
Notary Public  
My Commission Expires: 5/31/08

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9/8/04 6:30

PAGE 007/012

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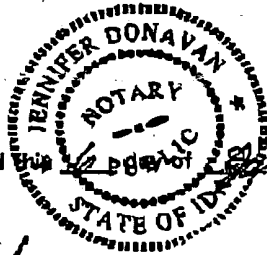
Amv. Dkt. No. 058951-0167

Executed this 6th day of 1 2004.

Hua Yan  
HUA YAN

State of Idaho  
County of Ada

On this 6th day of January, 2004, before me, a notary public in and for said county, appeared HUA YAN, who is personally known to me to be the same person whose name is subscribed to the foregoing instrument, and he/she acknowledged that he/she signed, sealed, and delivered the said instrument as his/her free and voluntary act for the uses and purposes therein set forth.



Jennifer Donovan  
Notary Public  
My Commission Expires: 5/31/05

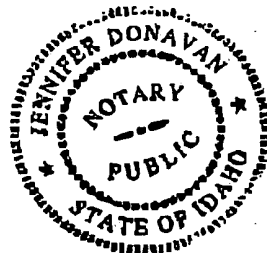
(Seal)

Executed this 6th day of January, 2004.

Kathy Swords  
KATHY SWORDS

State of Idaho  
County of Ada

On this 6th day of January, 2004, before me, a notary public in and for said county, appeared KATHY SWORDS, who is personally known to me to be the same person whose name is subscribed to the foregoing instrument, and he/she acknowledged that he/she signed, sealed, and delivered the said instrument as his/her free and voluntary act for the uses and purposes therein set forth.



Jennifer Donovan  
Notary Public  
My Commission Expires: 5/31/05

(Seal)

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**To:**            **Name:**            RICHARD C. PEET  
                 **Company:**    3000 K STREET, N.W., SUITE 500  
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MARCH 02, 2005

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RICHARD C. PEET  
3000 K STREET, N.W., SUITE 500  
WASHINGTON, DC 20007

UNITED STATES PATENT AND TRADEMARK OFFICE  
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RECORDATION DATE: 03/02/2005✓

REEL/FRAME: 015718/0484  
NUMBER OF PAGES: 8

BRIEF: ASSIGNMENT OF ASSIGNOR'S INTEREST (SEE DOCUMENT FOR DETAILS).

ASSIGNOR:

ROMMENS, CAIUS✓

DOC DATE: 02/28/2005✓

ASSIGNOR:

YE, JINGSONG✓

DOC DATE: 02/25/2005✓

ASSIGNOR:

YAN, HUA✓

DOC DATE: 02/25/2005✓

ASSIGNOR:

SWORDS, KATHY M.M.✓

DOC DATE: 02/25/2005✓

ASSIGNOR:

MENENDEZ-HUMARA, JAIME✓

DOC DATE: 02/25/2005✓

ASSIGNOR:

BRINKERHOFF, W. LEIGH✓

DOC DATE: 02/22/2005✓

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015718/0484 PAGE 2

ASSIGNOR:

RICHAEL, CRAIG ✓

DOC DATE: 02/25/2005 ✓

ASSIGNEE:

✓ J.R. SIMPLOT COMPANY  
✓ 5369 W. IRVING STREET  
BOISE, IDAHO 83706

SERIAL NUMBER: 10505079 ✓

PATENT NUMBER:

TITLE: PRECISE BREEDING ✓

FILING DATE:

ISSUE DATE:

KIMBERLY WHITE, EXAMINER  
ASSIGNMENT DIVISION  
OFFICE OF PUBLIC RECORDS

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## PATENT ASSIGNMENT

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03/02/2005  
500022003

SUBMISSION TYPE:

NEW ASSIGNMENT

NATURE OF CONVEYANCE:

ASSIGNMENT

## CONVEYING PARTY DATA

Name	Execution Date
Calus ROMMENS	02/28/2005
Jingsong YE	02/25/2005
Hua YAN	02/25/2005
Kathy M.M. SWORDS	02/25/2005
Jaime MENENDEZ-HUMARA	02/25/2005
W. Leigh BRINKERHOFF	02/22/2005
Craig RICHAEAL	02/25/2005

## RECEIVING PARTY DATA

Name:	J.R. SIMPLOT COMPANY
Street Address:	5369 W. Irving Street
City:	Boise
State/Country:	IDAHO
Postal Code:	83706

## PROPERTY NUMBERS Total: 1

Property Type	Number
Application Number:	10505079

## CORRESPONDENCE DATA

Fax Number: (202)672-5399  
*Correspondence will be sent via US Mail when the fax attempt is unsuccessful.*  
Phone: 2026725300  
Email: mdmooney@foley.com  
Correspondent Name: Richard C. Peet  
Address Line 1: 3000 K Street, N.W., Suite 500  
Address Line 4: Washington, DISTRICT OF COLUMBIA 20007

NAME OF SUBMITTER:

Richard C. Peet

CH \$40.00 10505079

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<b>NATURE OF CONVEYANCE:</b>	ASSIGNMENT																
<b>CONVEYING PARTY DATA</b>																	
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<b>Postal Code:</b>	83706																
<b>PROPERTY NUMBERS Total: 1</b>																	

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Property Type	Number
Application Number:	10505079
<b>CORRESPONDENCE DATA</b>	
Fax Number: (202)672-5399 <i>Correspondence will be sent via US Mail when the fax attempt is unsuccessful.</i>	
Phone: 2026725300	
Email: mdmooney@foley.com	
Correspondent Name: Richard C. Peet	
Address Line 1: 3000 K Street, N.W., Suite 500	
Address Line 4: Washington, DISTRICT OF COLUMBIA 20007	
NAME OF SUBMITTER:	Richard C. Peet
Signature:	/Richard C. Peet/
Date:	03/02/2005
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EPAS ID: PAT24060	
Receipt Date: 03/02/2005	
Fee Amount: \$40	

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Phone:	2026725300																
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Correspondent Name:	Richard C. Peet																

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Address Line 1: 3000 K Street, N.W., Suite 500	
Address Line 4: Washington, DISTRICT OF COLUMBIA 20007	
NAME OF SUBMITTER:	Richard C. Peet
Signature:	/Richard C. Peet/
Date:	03/02/2005
Total Attachments: 6 source=DOC#page1.tif source=DOC#page2.tif source=DOC#page3.tif source=DOC#page4.tif source=DOC#page5.tif source=DOC#page6.tif	
RECEIPT INFORMATION	
EPAS ID:	PAT24060
Receipt Date:	03/02/2005
Fee Amount:	\$40

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**Mooney, Melanie D.**

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**From:** EPAS Server [epas-server@uspto.gov]  
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**ASSIGNMENT - WORLDWIDE**

For good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, each undersigned inventor (hereinafter referred to singly and collectively as "ASSIGNOR") has sold, assigned, and transferred, and by these presents hereby sells, assigns, and transfers, unto

J.R. SIMPLOT COMPANY  
5369 W. Irving Street  
Boise, Idaho 83706

(hereinafter referred to as "ASSIGNEE") its successors and assigns, the full and exclusive right, title and interest for the United States, its territories and possessions, and all foreign countries in and to this invention relating to

**PRECISE BREEDING**

as set forth in this United States Patent Application

*check one*     ☐ executed concurrently herewith,  
                  ☐ executed on \_\_\_\_\_,  
                  ☒ Serial No. 10/505,079 Filed August 20, 2004

as well as in and to (a) all improvements and modifications of the above-identified invention or inventions, (b) the above-identified application and all other applications for Letters Patent of the United States and countries foreign thereto for above-identified invention or inventions and all improvements and modifications thereof, (c) all Letters Patent which may issue from said applications in the United States and countries foreign thereto, (d) all divisions, continuations, reissues, and extensions of said applications and Letters Patent, and (e) the right to claim for any of said applications the full benefits and priority rights under the International Convention and any other international agreement to which the United States adheres; such right, title, and interest to be held and enjoyed by ASSIGNEE, its successors and assigns, to the full end of the term or terms for which any and all such Letters Patent may be granted as fully and entirely as would have been held and enjoyed by ASSIGNOR had this Assignment not been made.

ASSIGNOR HEREBY AUTHORIZES ASSIGNEE to file patent applications in any or all countries on the above-identified invention or inventions in the name of the undersigned or in the name of ASSIGNEE or otherwise as ASSIGNEE may deem advisable under the International Convention or otherwise.

ASSIGNOR HEREBY AUTHORIZES AND REQUESTS the Commissioner of Patents and Trademarks to issue said Letters Patent to ASSIGNEE as assignee of the entire interest, for the sole use and benefit of ASSIGNEE, its successors and assigns.

ASSIGNOR HEREBY AGREES (a) to communicate to ASSIGNEE, its successors and assigns, or their representative or agents, all facts and information known or available to ASSIGNOR respecting said invention or inventions, improvements, and modifications

including evidence for interference, reexamination, reissue, opposition, revocation, extension, or infringement purposes or other legal, judicial, or administrative proceedings, whenever requested by ASSIGNEE; (b) to testify in person or by affidavit as required by ASSIGNEE, its successors and assigns, in any such proceeding in the United States or a country foreign thereto; (c) to execute and deliver, upon request by ASSIGNEE, all lawful papers including, but not limited to, original, divisional, continuation, and reissue applications, renewals, assignments, powers of attorney, oaths, affidavits, and declarations, depositions; and (d) to provide all reasonable assistance to ASSIGNEE, its successors and assigns, in obtaining and enforcing proper title in and protection for said invention or inventions, improvements, and modifications under the intellectual property laws of the United States and countries foreign thereto.

ASSIGNOR HEREBY REPRESENTS AND WARRANTS that ASSIGNOR has the full and unencumbered right to sell, assign, and transfer the interests sold, assigned, and transferred herein, and that ASSIGNOR has not executed and will not execute any document or instrument in conflict herewith.

ASSIGNOR HEREBY GRANTS to the law firm of **Foley & Lardner LLP** the power and authority to insert in this Assignment any further identification which may be necessary or desirable to comply with the rules of the U.S. Patent and Trademark Office for recordation of this Assignment.

ASSIGNOR UNDERSTANDS AND AGREES that the attorneys and agents of the law firm of **Foley & Lardner LLP** do not personally represent ASSIGNOR OR ASSIGNOR's legal interests, but instead represent the interests of ASSIGNEE; since said attorneys and agents cannot provide legal advice to ASSIGNOR with respect to this Assignment, ASSIGNOR acknowledges its right to seek its own independent legal counsel.

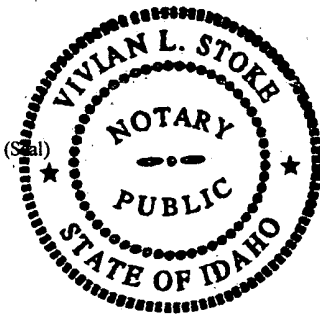
Executed this 28<sup>th</sup> day of February, 2005.

Caius

CAIUS ROMMENS

State of Idaho )  
County of Ada )ss.

On this 28<sup>th</sup> day of February, 2005, before me, a notary public in and for said county, appeared CAIUS ROMMENS, who is personally known to me to be the same person whose name is subscribed to the foregoing instrument, and he/she acknowledged that he/she signed, sealed, and delivered the said instrument as his/her free and voluntary act for the uses and purposes therein set forth.



Vivian L. Stoke  
Notary Public

My Commission Expires: 8-12-2010

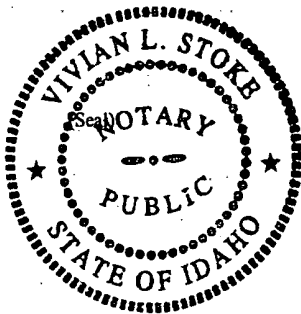
Executed this 25<sup>th</sup> day of February, 2005

Jingsong Ye

JINGSONG YE

State of Idaho )  
County of Ada )ss.

On this 25<sup>th</sup> day of February, 2005, before me, a notary public in and for said county, appeared JINGSONG YE, who is personally known to me to be the same person whose name is subscribed to the foregoing instrument, and he/she acknowledged that he/she signed, sealed, and delivered the said instrument as his/her free and voluntary act for the uses and purposes therein set forth.



Vivian L. Stoke  
Notary Public

My Commission Expires: 8-12-2010

Executed this 25<sup>th</sup> day of February, 2005

Hua Yan

HUA YAN

State of Idaho )  
County of Ada ) ss.

On this 25<sup>th</sup> day of February, 2005, before me, a notary public in and for said county, appeared HUA YAN, who is personally known to me to be the same person whose name is subscribed to the foregoing instrument, and he/she acknowledged that he/she signed, sealed, and delivered the said instrument as his/her free and voluntary act for the uses and purposes therein set forth.



Vivian L. Stokke  
Notary Public

My Commission Expires: 8-12-2010

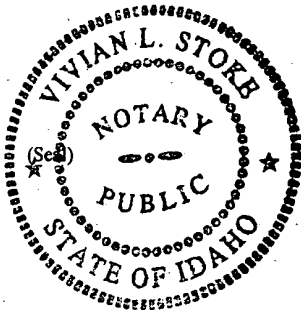
Executed this 25<sup>th</sup> day of February, 2005

Kathy M.M. Swords

KATHY M.M. SWORDS

State of Idaho )  
County of Ada ) ss.

On this 25<sup>th</sup> day of February, 2005, before me, a notary public in and for said county, appeared KATHY M.M. SWORDS, who is personally known to me to be the same person whose name is subscribed to the foregoing instrument, and he/she acknowledged that he/she signed, sealed, and delivered the said instrument as his/her free and voluntary act for the uses and purposes therein set forth.

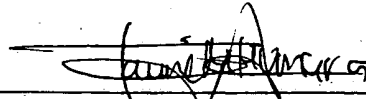


Vivian L. Stokke  
Notary Public

My Commission Expires: 8-12-2010

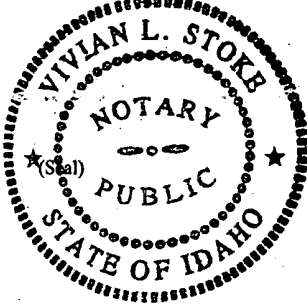
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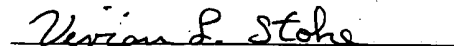
Executed this 25<sup>th</sup> day of February, 2005

  
 JAIME MENENDEZ-HUMARA


State of Idaho )  
 )ss.  
 County of Ada )

On this 25<sup>th</sup> day of February, 2005, before me, a notary public in and for said county, appeared JAIME MENENDEZ-HUMARA, who is personally known to me to be the same person whose name is subscribed to the foregoing instrument, and he/she acknowledged that he/she signed, sealed, and delivered the said instrument as his/her free and voluntary act for the uses and purposes therein set forth.



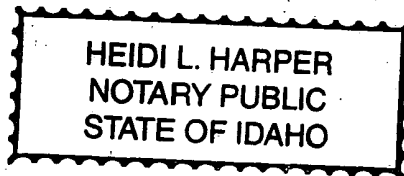
  
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 My Commission Expires 8-12-2010

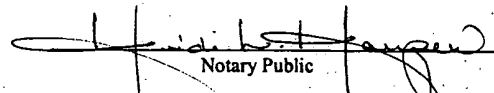
Executed this 22<sup>nd</sup> day of February, 2005

  
 W. LEIGH BRINKERHOFF

State of Idaho )  
 )ss.  
 County of Ada )

On this 22<sup>nd</sup> day of February, 2005, before me, a notary public in and for said county, appeared W. LEIGH BRINKERHOFF, who is personally known to me to be the same person whose name is subscribed to the foregoing instrument, and he/she acknowledged that he/she signed, sealed, and delivered the said instrument as his/her free and voluntary act for the uses and purposes therein set forth.



  
 Notary Public  
 My Commission Expires: 9-24-2009

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Executed this 25<sup>th</sup> day of February, 2005

Craig Richard  
CRAIG RICHAEAL

State of Idaho )  
 )ss.  
County of Ada )

On this 25<sup>th</sup> day of February, 2005 before me, a notary public in and for said county, appeared CRAIG RICHAEAL, who is personally known to me to be the same person whose name is subscribed to the foregoing instrument, and he/she acknowledged that he/she signed, sealed, and delivered the said instrument as his/her free and voluntary act for the uses and purposes therein set forth.



Vivian L. Stoke  
Notary Public

My Commission Expires: 8-12-2010

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